

REMARKS

Claims 1-15 are currently pending in this application. Applicants have cancelled claims 16-33 in response to a restriction requirement. Reconsideration is respectfully requested in light of the above claim amendments and following remarks.

The Examiner rejected claims 1-15 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,206,807 to Hatke. Applicant respectfully traverses this rejection.

Independent claim 1 recites a method comprised in part by distributing apneic intervals as counts on a histogram and calculating a centroid for each cluster of counts on the histogram. (Underlining added for emphasis only). Applicant respectfully submits that Hatke does not disclose or suggest the recited claim elements.

Rather, Hatke discloses a system and method for transducing, recording, and displaying information relating to cardiac and respiratory functions of an infant. As noted by the Examiner the system of Hatke utilizes a histogram which quantifies in five minute increments the incidence of reduced breathing effort or apnea. The sections pointed to by the Examiner in FIG. 4, displays a histogram time interval from three to six hours in the past where one of the histogram bars has exceeded its maximum recordation level of twenty events. In this instance, a small "+" symbol is displayed over the bar which has exceeded the display range in order to indicate this fact.

Further, as noted by the Examiner, FIG. 4, also includes a pointer adjusted to indicate a particular histogram segment located at three hours forty-five minutes. The segment at three hours, fifty-five minutes is indicated to be out of range. In this mode, duration histogram displays the duration only for the apnea events recorded between three hours and forty-five minutes (indicated by the pointer) and three hours fifty minutes as indicated by pointer, and indicator displays the total number of events within that five minute interval. (Hatke, col. 6, line 65 – col. 7, line 13).

Thus, the pointer of Hatke is not a centroid of clusters as recited in the claimed invention but simply is used to indicate the end of a duration histogram which displays apnea events. Accordingly, Applicant respectfully submits that claim 1 is novel and non-obvious over Hatke and is allowable. Applicant further submits that claims 2-15

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that depend from claim 1 are allowable as is claim 1 and for additional limitations recited therein.

In light of the above remarks, it is respectfully submitted that the application is in condition for allowance, and an early notice of allowance is requested.

Respectfully submitted,

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Date



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